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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LHF PRODUCTIONS, INC., a Nevada
Corporation,

Plaintiff,

vs.

MARIA GONZALEZ, an individual;
BRIAN KABALA, an individual; JOHN
KOEHLI, an individual; DANIEL
O'CONNELL, an individual; DONALD
PLAIN, an individual; ANTE SODA, an
individual; MATTHEW STEWART, an
individual; and JOHN AND JANE DOES.)

Defendants

Case No.: 2:16-cv-02028-JAD-NJK

CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER

SUBMITTED IN COMPLIANCE WITH LR 26-1(b)

Plaintiff LHF PRODUCTIONS, INC. ("Plaintiff") by and thorough its counsel of record Charles C. Rainey. Esq. of Hamrick & Evans, LLP, Defendant BRIAN KABALA in proper person, Defendant ANTE SODA, by and through his counsel of record, AIRENE WILLIAMSON, of the WILLIAMSON LAW OFFICE (the "Defendants"), hereby submit the following Proposed CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER in compliance with Rule 26(f) of the Federal Rules of Civil Procedure and LR 26-1 of the Local Rules of Practice for the United States District Court for the District of Nevada. The undersigned agreed to the dates provided under this proposed discovery plan through a

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combination of meetings and correspondence. Plaintiff's counsel and Defendant Brian Kabala met in person and reviewed the dates and information set forth herein on March 31, 2017 at 9:00 a.m. Meanwhile, on that same day, Plaintiff's counsel circulated a copy of the present discovery plan to counsel for Defendant Ante Soda. Ante Soda's counsel, although invited to the conference, insisted that she was unable to attend in person and preferred that Plaintiff confer with Defendant's counsel via telephone and circulate a copy of the proposed discovery plan. On that same day, counsel for Ante Soda reviewed and approved the proposed discovery plan and the information set forth herein. Unfortunately, despite repeated attempts to invite Defendant Donald Plain and repeated attempts to obtain Mr. Plain's approval of the following proposed plan, Plaintiff's counsel was unable to obtain such approval. Furthermore, the delay caused by Mr. Plain's absence from these proceedings caused the Plaintiff to submit this proposed discovery plan after the court's specified deadline. The undersigned respectfully request that the Court enter a scheduling order in conformance with the following:

1. The parties seek to conduct discovery on the following matters:
 - a. Whether and to what extent the Defendants directly utilized a computer or similar computerized device with Internet access to download and share the Plaintiff's copyrighted material without Plaintiff's consent or authorization;
 - b. Whether and to what extent the Defendants were aware of one or more persons using the Internet service to which Defendants subscribe to directly utilize a computer or similar computerized device to download and share the Plaintiff's copyrighted material without Plaintiff's consent or authorization;
 - c. Whether and to what extent the Defendants benefited from the illegal and unauthorized download and sharing of the Plaintiff's copyrighted material; and
 - d. Any other issue of fact related to the foregoing matters or otherwise related to the claims set forth in the Plaintiff's complaint.
2. The parties shall be obligated to preserve all electronically stored data in their possession, custody, and/or control related to the foregoing discovery matters, including, without limitation, any information stored any hard drives, solid-state drives, memory sticks, or

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other formats of electronic data storage that Defendants have used in conjunction with any device that he/she or his/her household members have used to access the Internet from their home for the twelve month period preceding the filing of the present complaint.

3. While the parties do not presently foresee any issues concerning claims of privilege or of protection as trial-preparation materials, the parties reserve the right to raise these issues as they may arise in the future.
4. The first answer or responsive pleading filed in this matter was entered on March 13, 2017.
5. The parties further stipulate and agree to the following Discovery Schedule:
 - a. The total number of days required for discovery is 177 days, calculated from the date of the filing of the first responsive pleading in this matter.
 - b. ALL DISCOVERY SHALL BE COMPLETED BY no later than September 6, 2017;
 - c. The parties may seek to amend pleadings or add parties no later than June 8, 2017;
 - d. Expert reports shall be served no later than July 10, 2017;
 - e. Rebuttal expert reports shall be served no later than August 7, 2017;
 - f. The last day to file dispositive motions is October 6, 2017;
 - g. The parties shall prepare and submit their joint pretrial order by no later than November 6, 2017, which shall include all disclosures made pursuant to FRCP 26(a)(3).
6. The Plaintiff has demanded that this matter be tried before a jury.
7. The undersigned parties hereby certify that they have met and conferred about the possibility of using alternative dispute-resolution processes including mediation, arbitration, and early neutral evaluation, and the parties continue to explore settlement options.
8. The undersigned parties have stipulated that they are open to the prospect of submitting

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this matter to the Court's settlement conference program.

9. The parties hereby certify that they considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program; and the parties do not, at this time, consent to trial by a magistrate judge or use of the Short Trial Program.

10. The undersigned parties hereby certify that they the parties discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations, and that while Plaintiff intends to introduce certain evidence in electronic format, the Parties have yet reach any specific stipulations regarding the provision of evidence in electronic format.

IT IS SO ORDERED

Dated:

UNITED STATES MAGISTRATE JUDGE

Respectfully Submitted by:

/s/ Charles C. Rainey
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REFUSED TO SIGN
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Defendant in proper person

/s/ Brian Kabala
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